REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested. Claims 1, 15-17, 19-22, 27-28 and 30-42 are pending in this application. By this Amendment, claims 1, 15-17, 19-22, 27-28 and 30-37 are amended, and claims 38-42 have been added. Claims 1 and 19-22 are the independent claims.

Currently with the filing of this Amendment, Applicants have filed a Petition to Suspend Action for a period of six (6) months. For instance, the same arguments presented in the Appeal Brief and Reply Brief in Application No. 10/715,511 apply to the claimed invention of the present application. Therefore, the outcome of the appeal in the '511 application will determine the allowability of the current claims.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1, 19-22, and 27-28 under 35 U.S.C. § 103(a) as being unpatentable over Kato (U.S. Patent Publication No. 2002/0145702, hereinafter "Kato1") in view of De Haan (U.S. Patent Publication No. 2009/0180757, hereinafter "De Haan"), and further in view of deCarmo (U.S. Patent No. 6,643,450, hereinafter "deCarmo"), Hamada (U.S. Patent Publication No. 2008/0253742, hereinafter "Hamada") and Kato (U.S. Patent Publication No. 2003/0086568, hereinafter "Kato2"), and claims 15-17 and 30-37 under 35 U.S.C. §103(a) as being unpatentable over Kato1 in view of De Haan, and further in view of deCarmo, Hamada, Kato2, and Nakatani (U.S. Patent Publication No. 2002/0114614). Applicants respectfully traverse these rejections for the reasons detailed below.

The Examiner acknowledges that Kato1 does not illustrate a navigation file within the meaning of the claims. Further, the Examiner acknowledges that Kato1 does not disclose any of the *details* of the navigation file. In addition, the Examiner

acknowledges that Kato1 does not teach that the stream files, playlist files, clip information files, and navigation file are separate files from each other. Rather, the Examiner relies upon *4 different references* (De Haan, deCarmo, Hamada, and Kato2) for allegedly disclosing these features. Applicants disagree.

1. De Haan, deCarmo, Hamada and Kato2 do not teach a "Navigation File"

Claim 1 requires "at least one navigation <u>file</u> including first and second path items, the first path item including a first navigation command for launching the first playlist file, the second path item including a second navigation command for launching the second playlist file." Also, claim 1 requires that "the first and second stream files, the first and second clip information files, the first and second playlist files and the navigation file are <u>separate files from each other</u>."

First, De Haan simply does not illustrate a navigation <u>file</u>. For example, the navigation file of claim 1 is its own "file", and is stored in a separate file from the other types of files. De Haan does not show an *actual file*. Rather, the Examiner relies upon <u>two completely separate commands</u> in <u>two different management organizations</u> in De Haan as allegedly showing the navigation file of claim 1. For example, De Haan illustrates a root menu that contains a <u>dummy program chain (PGC)</u> with a <u>pre-command</u> calling the Title Menu. De Haan, paragraph [0064]. The Title Menu is a menu that displays different Titles, where the user can choose "one" Title for playback. In addition, De Haan teaches a <u>Program Chain Information (PGCI)</u> that includes a <u>Link PGCN instruction</u> that links each title (except for the last PlayList Title and the full Title) to a next Title. De Haan, paragraph [0079]. The PGCI and the PGC are separate management organizations. Therefore, the Examiner is attempting to "create" the navigation file of claim 1 by picking one type of command in the dummy program chain and picking one type of command in the program chain information. Applicants

believe that this is unreasonable, and that De Haan simply does not illustrate a Navigation File, within the meaning of claim 1.

In addition, Kato2 does <u>not</u> teach a navigation file within the meaning of claim 1. The Examiner cites Kato2 for the *proposition* that a playlist file name may be created for *one single playlist*. However, this *proposition* is irrelevant to whether Kato2 illustrates a navigation file. Also, Hamada <u>fails</u> to show a navigation file within the meaning of claim 1. FIG. 5 of Hamada illustrates an "Info.dvp" directory, a playlist directory, a clip information directory, and an AV stream directory. The Examiner states that the "Info.dvp" of FIG. 5 of Hamada illustrates the navigation file of claim 1. However, <u>this is simply not true</u>. The file "info.dvr" of Hamada merely contains <u>general information about the recording disk</u>. Nothing in Hamada suggests that a navigation file is included in the "info.dvr." Rather, the "info.dvr" of Hamada may correspond to the "info.dvr" of FIG. 9 of the specification as filed, which does <u>not include the navigation file of claim 1</u>. Rather, the navigation file of claim 1 may be included in the TITLE directory of FIG. 9 of the specification as filed. Also, deCarmo is not relevant to the above-identified features of claim 1.

Therefore, Kato1, De Haan, Kato2, deCarmo and Hamada, cannot render independent claim 1 obvious because none of these references teach "a navigation <u>file</u>" within the meaning of claim 1.

2. De Haan and Kato2 do not teach a First Navigation Command

None of the cited references including De Haan and Kato2 illustrate "a first navigation command for **launching the first playlist file to reproduce**" as required by claim 1.

The Examiner appears to assert that the "first navigation command" of claim 1 reads on the "pre-command" in a dummy program chain of the root menu of De Haan because the pre-command of De Haan pulls up the Title Menu, which allows the user to select one of the Playlists by "clicking" on the name of the PlayList. In other words, the "pre-command" of De Haan coupled with the "clicking" on the name of the PlayList allegedly corresponds to the first navigation command of claim 1. Applicants strongly disagree for a number of reasons.

First, the "pre-command" or the subsequent "clicking" on the name of the PlayList as taught in De Haan is **not** a first navigation command for launching the first **playlist file** to reproduce" as required by claim 1. For instance, the first playlist file is defined in claim 1 as "the first playlist file including at least one playitem identifying a pair of in-point and out-point pointing to the presentation time stamps in a clip of the first video data." In contrast, the PlayList Title of De Haan is defined as a "[t]itle representing a *play back sequence of cells* from one recording." De Haan, paragraph [0045]. Cells are a "[s]equence of one or more Video Object Units (VOBU)" and are "the basic presentation units for the Program Chains (PGC)." De Haan, paragraph [0032]. The playback of these "cells" is represented by a *Title*, which is a user accessible unit listed in a table. De Haan, paragraph [0032]. Playing back a series of cells corresponding to a Title is <u>not</u> the same as identifying in-points and out-points in a clip of video. Therefore, De Haan does not teach launching the first **playlist file**, as required by claim 1.

Second, assuming for the sake of argument that the Playlist Title of De Haan corresponds to the "first playlist file" of claim 1, De Haan still does not disclose or suggest "a **first navigation command** for **launching** the first playlist file." In contrast, the pre-command of De Haan "call[s] the Title Menu." De Haan, Paragraph [0045]. The Playlist Title is accessible via the Title Menu. In other words, the pre-

command of De Haan does **not** launch the Playlist Title, but only a Title Menu. The Title Menu merely provides access to the Playlist Titles. The pre-command of De Haan does not directly launch one of the Playlist Titles. Showing the Playlist Titles via the Title Menu is not launching a playlist file for reproduction. In order to actually launch the PlayList of De Haan, a user must then select a desired PlayList Title among the multiple PlayList Titles shown in the Title Menu. However, the subsequent "clicking" on the name of the PlayList Title by the user is not a navigation command in a **navigation file** because the command is given by the user for a desired PlayList – **not** contained within a path item, which is included within a navigation file.

On pages 3-4 of the Office Action, the Examiner appears to allege that the "first navigation command" is *merely* the name of the playlist file. This is not correct. Rather, the first navigation command may read on the pre-command and the name of the playlist file. For example, a portion of paragraph [0074] and paragraph [0078] of the specification as filed are reproduced below.

> **[0074]** The playlist file name indicates the file name 'PlayList_file_name' of a playlist for possible playback. The 'Pre-Command' provides one or more navigation commands to control the associated path item (e.g., whether to reproduce the identified playlist). (Emphasis Added)

> **[0078]** The navigation file 'PlayList_Linker' begins with a first path item (i.e., a first navigation command group), which includes pre-navigation commands and a playlist file name instructing playback of the first playlist 'PlayList 1'. The post-navigation commands of the first path item provide for branching to either a second or third navigation command group (i.e., a second or third path item). Here, the second path item includes pre-navigation commands and a playlist file name instructing playback of the second playlist 'PlayList 2', and the third path item includes pre-navigation commands and a playlist file name instructing playback of the third playlist 'PlayList 3'. Accordingly, the post-navigation commands of the first path item selectively control playback of the second playlist 'PlayList 2' or the third playlist 'Playlist 3'. (Emphasis Added)

As described above in these paragraphs, the playlist file name simply identifies a name of a particular playlist file, and the pre-command instructs playback of

(launches) the identified playlist file. This is, the playlist file is not launched by only the playlist file name but launched by the pre-command *and* the playlist file name. Therefore, the pre-command actually has a function to launch the playlist file directly. Also, Applicants have removed the term "single" from the independent claims, thus rendering the Examiner's reliance on Kato2 moot.

Therefore, Kato1, De Haan, Kato2, and Hamada, alone or in combination, cannot render independent claim 1 because none of these references teach "a first navigation command for launching the first playlist to reproduce" as required by claim 1.

3. De Haan is simply not combinable with Kato1

Applicants submit that the program chain of De Haan cannot be combined in the playlist/clip information data structure of Kato1. They have *completely* different file structures. For instance, De Haan uses a Video Manager (VMG) stored in a Video Manager area of the recording disk for controlling reproduction of a DVD disk. In contrast, Kato1 uses a playlist file and clip information file for controlling reproduction of a high density recording disk. One of ordinary skill in the art would simply not combine the "pre-command" and the "post-command" (which links to another PGC) of De Haan into a file data structure shown in Kato1 because such a combination would render Kato1 inoperable. For example, De Haan is simply silent on different types of files (e.g., playlist file having .rpls, clip information file having .clpi) being stored in different areas.

In De Haan, because navigation information like the pre-command calling the Title Menu and the commands in Table 2 are *intermingled* with actual video/ audio data, separating the navigation commands of De Haan from the other navigation information or the video/audio data (e.g., into a separate file) would simply render the

system in De Haan inoperable. An entirely new system requiring extension modifications to De Haan would be required to make such a combination.

4. Hamada does not illustrate a Navigation File as a **separate file** from the Playlist file, Clip Information File, and Stream File

In contrast to the Examiner's assertions, Hamada fails to disclose "the first and second stream files, the first and second clip information files, the first and second playlist files and the navigation file are separate files" as recited in claim 1. For example, the Examiner asserts that the file "info.dvr" of FIG. 5 of Hamada corresponds to the "navigation file" of claim 1. However, the file "info.dvr" of Hamada does not include "at least one navigation file including first and second path items, the first path item including a first navigation command for launching the first playlist file, the second path item including a second navigation command for launching the second playlist file", as required by claim 1. Rather, the file "info.dvr" merely contains general information about the recording disk. Therefore, Kato1, De Haan, Hamada, Kato2, and deCarmo, alone or in any combination, cannot possibly render independent claim 1 obvious to one of ordinary skill in the art.

Independent claims 19-22 contain features similar to the above identified features of claim 1, and therefore are patentable for at least the same reasons stated above. Further, the dependent claims, dependent on claims 1 and 19-22, are patentable for at least the same reasons stated above.

New Claims

New claims 38-42, dependent on independent claims 1 and 19-22, are patentable for at least the same reasons stated above with respect to independent claim 1. Furthermore, none of the cited references illustrate third and fourth

navigation commands within the meaning of claims 38-42. As such, Applicants respectfully request that these new claims be allowed.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.
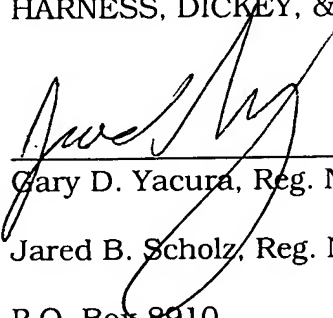
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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